IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 14838 of 2005

Between:

1 Sri G.P.R.Durga Vara Prasad Rao, s/o Kanakalingeswararao,
Singarayapalem Village, Mudinepalli Mandal, Krishna District.
2 Sri Booruboyana Ramulu, s/o Chinthaiah, Singarayapalem Village,
Mudinepalli Mandal, Krishna District.

..... PETITIONERS

AND

1 The Commissioner of Endowments, Government of A.P., Tilak Road,
Hyderabad.
2 The Assistant Commissioner of Endowments, Vijayawada, Krishna District.
3 The Inspector, Endowments, Gudiwada, Krishna District.
4 The Person-in-Management, Sri Amrutheswara Swamy Vari Temple,
Singarayapalem Village, Mudinepalli Mandal, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly in the nature of mandamus declaring the action of the 2nd respondent in issuing proceedings dated 16-6-2005 directing the 4th respondent to take possession of the lands to an extent of ac.3.50 cents in RS No.108/2 and ac.2.50 cents in RS No.108/2 situated at Singarayapalem Village, Mudinepalli Mandal, Krishna District, without conducting proper enquiry and affording opportunity to the petitioners herein as illegal, arbitrary and consequently direct the respondents to permit the petitioners herein to cultivate their respective lands to the extent permissible under the Act i.e., in the case of 1st petitioner ac.2.50 cents on payment of Maktha as agreed upon by the respondents.

Counsel for the Petitioner: MR.K.R.SASIDHARAN

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court made the following :

:: ORAL ORDER ::

The petitioners are aggrieved by the two proceedings of the 2nd respondent determining the petitioners as not being landless poor persons and as having fallen in arrears of the lease amount due to Sri Amrutheswara Swamy Vari Temple, Singarayapalem village, Krishna District; rejecting their claim for the benefits u/Sec.82(2) of the AP Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'); directing the Manager of the temple to take possession of the lands and put the same to public auction; and directing steps against the petitioner for recovery of the amounts due from them.

Admittedly the petitioners are cultivating tenants of agricultural wet lands in extents of Ac.3.50 cts and Ac.2.50 cts, respectively of the respondent-Temple. Earlier Form-I notice was issued to them in the year 2003 intimating the determination of the lease and calling upon the petitioners to hand over possession failing which proceedings to evict them treating them as encroachers would be initiated. Aggrieved thereby they filed writ petitions before this court for a declaration that they are landless poor persons. This court disposed of the writ petitions directing the petitioners to approach the concerned Asst. Commissioner of Endowments with an appropriate application seeking the benefits of landless poor persons. The petitioners failed to approach the Asst. Commissioner in respect of their claim. Thereupon by the impugned proceedings the Asst. Commissioner (R2) concluded that as the petitioners were admittedly cultivating tenants in extents of ac.3.50 and 2.50 wet lands respectively, they cannot be considered as landless poor persons in view of the definition of 'landless poor person' in Sec. 82(2) of the Act. Consequently the 2nd respondent directed the Manager of the temple to initiate auction proceedings for lease of the lands for a future term.

In the circumstances above this court finds no infirmity in the action impugned, warranting interference. The writ petition is accordingly dismissed. No order as to costs.

Dated: 08.07.2005 ----------

Pvsn Justice G. Raghuram

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner of Endowments, Government of A.P., Tilak Road, Hyderabad.
2 The Assistant Commissioner of Endowments, Vijayawada, Krishna District.
3 The Inspector, Endowments, Gudiwada, Krishna District.
4 The Person-in-Management, Sri Amrutheswara Swamy Vari Temple, Singarayapalem Village, Mudinepalli Mandal, Krishna District.

5 Two CCs to the Government Pleader for Endowments, High Court buildings, Hyderabad (OUT)

6 2 CD copies

*Form-NIC-OGS/WP{**RS**}*